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I. Key Provisions Governing Major Information Technology Acquisitions

A. Oversight Authority and Accountability

- **Government Code, Section 11712:** Retains DOIT's exclusive authority to review, approve, initiate, suspend, terminate, monitor, and reinstate IT projects. Retains DOIT authority for development of general policy and DGS authority for establishing procedures as these pertain to IT acquisitions, and requires coordination of both departments in this area.
- **Government Code 14626 and Public Contract Code 25070:** Restates DOIT and DGS authorities and responsibilities for development of IT acquisition policy and procedures.
- **Public Contract Code, Section 25093:** Requires DOIT approval of procedures established by DGS pertaining to IT acquisitions. Also, requires participation of the private sector and state agencies in their development.
- **Public Contract Code, Section 25110:** Transfers authority for the acquisition of IT from DGS to state agencies beginning January 1, 2000.
- **Public Contract Code, Section 25135:** Requires that procedures and guidelines for review of acquisition plans for major IT acquisitions be established by DGS in cooperation with the Department of Finance and Information Technology.
- **Public Contract Code, Section 25310-25319:** Requires an independent Protest Officer.
- **Public Contract Code, Section 25336:** Restates DOIT's authority to suspend, reinstate, or terminate IT projects.

I. Key Provisions Governing Major Information Technology Acquisitions

B. Focusing on the Best Business Solution

- **Public Contract Code, Section 25230:** Enables state agencies to use a competitive negotiation method for acquisition in specified circumstances that are generally applicable to major IT acquisitions.
- **Public Contract Code, Section 25235:** Enables state agencies to use a performed-based solicitation method for multi-phase major acquisitions that are generally applicable to IT projects.
- **Public Contract Code, Section 25261-25262:** Allows state agencies to waive minor variations, informalities, or irregularities in an otherwise valid bid, and to accept a bid which generally conforms with the intent of the solicitation.
- **Public Contract Code, Section 25265:** Enables state agencies to include in solicitations a broad range of criteria needed to determine suitability, capability, competency, and acceptability relative to the state's specific function, need, or purpose.
- **Public Contract Code, Section 25269:** Enables state agencies to include in solicitations cost-related, price-related, or value-related response evaluation factors which may be evaluated on an aggregate, unit-denominated, price-to-performance, best value, or other value effective basis.
- **Public Contract Code, Section 25290:** Requires that all major IT contracts be awarded based on the bid which provides the most value effective solution to the state's business needs, and specifies some of the types of evaluation criteria which may be used for purposes of this determination.
- **Public Contract Code, Section 25300:** Protects trade secrets, and corporate intellectual or proprietary property, from public disclosure.

II. Governor's Information Technology Task Force

Task Force Recommendations	Addressed By S.B. 1132	Addressed By S.B. 1	Selected Code References
Organization and Planning			
1. Establish a State CIO	Not Applicable	Yes	Government Code Section 11710(a).
2. Eliminate Office of Information Technology	Not Applicable	Yes	Government Code Section 11710(b).
3. Consolidate Utility Type State IT Operations	Not Applicable	Yes	Government Code Section 11713(a).
4. Elevate Departmental IT Organizations	Not Applicable	Yes	Government Code Section 11720.
Management and Accountability			
1. Shorten IT Product Delivery Cycle	Yes	No	Public Contract Code, Proposed Division 3, Parts 2, 3 and 4.
2. Reduce IT Project Risk	Yes	Yes	Public Contract Code, Proposed Division 3, Parts 2, 3 and 4 and Government Code Sections 11712 and 11711(g).
3. Hold Line Managers Accountable for IT Projects	Not Applicable	Yes	Government Code Section 11720.
4. Establish Project Management Guidelines	Not Applicable	Yes	Government Code Section 11712.
Procurement			
1. Pursue Procurement Reform	Yes	No	Public Contract Code, Proposed Division 3.
2. Relocate IT Procurement Under State (CIO)	Not Applicable	Yes	Public Contract Code Sections 12101(c), 12102, and 12105.
3. Form Strategic Vendor Partnership	Yes	No	Public Contract Code, Proposed Division 3, Sections 25235.
4. Use Value Based Procurement	Yes	Limited	Public Contract Code, Proposed Division 3, Sections 25265, 25269, 25280 and 25290.
5. Procurement Should Generate Solutions	Yes	No	Public Contract Code, Proposed Division 3, Sections 25230, 25235, and 25290.
6. Reform the Protest Process	Yes	No	Public Contract Code, Proposed Division 3, Part 3, Chapter 10 (Sections 25310-25319).
7. Form Partnerships With Other States	Yes	No	Public Contract Code, Proposed Division 3, Section 25073.
Personnel			
1. Revise Incentive Structure for IT Managers	Not Applicable	Yes	Government Code Section 11710(d)(5).
2. Introduce Pay for Performance for IT Personnel	Not Applicable	Yes	Government Code Section 11710(d)(5).
3. Make It Easier to Bring New Employees Into the State System	Not Applicable	Yes	None Identified.
4. Establish Project Management Academy	Not Applicable	Yes	None Identified. (See Training and Experience Requirements for IT Managers).
5. Establish Training and Business Experience Requirements for IT Managers	Not Applicable	Yes	Government Code Sections 11713(b) and 11720(d).
6. Reform the Contracting Process for Consultants	Yes	No	Public Contract Code, Proposed Division 3, Section 25143 (Leveraged Procurement) and Section 25200 (CMAS), and Part 3, Chapter 4

III. How You Can Help

Communicate your position by writing the Bill's Author or any Senate G.O. Committee member.

Senate Governmental Organization Committee

Senator Ralph Dills, Chair
State Capitol, Room 5050
Sacramento, California 95814
916-445-5953 Dist 310-324-4969

Senator John Burton
State Capitol, Room 4074
Sacramento, California 95814
916-445-1412 Dist 415-447-1240

Senator Leroy F. Greene
State Capitol, Room 2082
Sacramento, California 95814
916-445-7807

Senator Betty Karnette
State Capitol, Room 3086
Sacramento, California 95814
916-445-6447 Dist 310-997-0794

Senator Tim Leslie
State Capitol, Room 4081
Sacramento, California 95814
916-445-5788 Dist 916-969-8232

Senator Mike Thompson
State Capitol, Room 3056
Sacramento, California 95814
916-445-3375 Dist 707-224-1990

Senator Ken Maddy, Vice-Chair
State Capitol, Room 5052
Sacramento, California 95814
916-445-9600 Dist 209-445-5567

Senator Charles M. Calderon
State Capitol, Room 313
Sacramento, California 95814
916-327-8315 Dist 213-724-6175

Senator Teresa Hughes
State Capitol, Room 5114
Sacramento, California 95814
916-445-2104 Dist 310-412-0393

Senator William J. Knight
State Capitol, Room 2068
Sacramento, California 95814
916-445-6637 Dist 805-274-0188

Senator Herschel Rosenthal
State Capitol, Room 4070
Sacramento, California 95814
916-445-7928 Dist 818-901-5588

Stephen M. Hardy, Consultant
State Capitol, Room 5058
Sacramento, California 95814
(916) 445-1193

Please provide the Department of General Services with a copy of your letter. Send to: Happy Chastain, Office of Legislation, Department of General Services, 1325 J Street, Suite 1910, Sacramento, California 95814. FAX: 916-323-6567